

EXHIBIT 3

201810090069

Index #: 120612-2018

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONTARIO-----X Index No.
BUSINESS MERCHANT FUNDING

PLAINTIFF,

-vs-

AFFIDAVIT

VK AUTOMOTIVE LLC DBA ELITE AUTO COLLISION
and KEVIN SHULERDEFENDANTS.
-----XState of New York :
: ss:
County of New York :**Gavriel Yitzchakov**, being duly sworn, hereby deposes and says as follows, under penalties of perjury:

1. I am the Manager of the Plaintiff herein. I am fully familiar with the facts and circumstances stated herein.
2. I make this Affidavit in support of Plaintiff's request for a judgment.
3. The Parties entered into an Agreement whereby Plaintiff purchased certain future receivables from Defendants in about 8/31/2018. The value of the receivables purchased was \$22,485.00.
4. Pursuant to said agreement, 10% of Defendants' receivables purchased were to be paid daily in the amount of \$642.00.
5. A copy of the Parties' Agreement is annexed hereto as Exhibit "A."
6. Defendants failed to pay over Plaintiff's purchased receivables commencing 10/1/2018.
7. Upon information and belief, Defendants caused their receivables to be deposited in a separate account, thus converting the receivables purchased by Plaintiff, so that Plaintiff could not collect the receivables they purchased.
8. The agreement does not provide for any notices of default.
9. Defendant defaulted in about 10/1/2018, leaving a balance due on the receivables of \$12,855.00.

10. The Defendants have paid the receivables purchased due to Plaintiff in the amount of \$9,630.00 as of October 4, 2018, leaving a current outstanding balance of \$12,855.00.
11. The value of the receivables that were purchased by Plaintiff and to the extent they were not paid to Plaintiff is \$12,855.00.
12. There is a current outstanding balance of receivables owed to Plaintiff under the Agreement of \$12,855.00 and as of October 4, 2018, Defendants have defaulted on the payment of the receivables purchased in the amount of \$12,855.00.
13. I am fully familiar with the signature on the Confession of Judgment. It is the signatures of Kevin Shuler the principal of Defendant VK Automotive LLC dba Elite Auto Collision. As principal, Kevin Shuler has full authority to bind that entity, and he is the principal of said entity who negotiated and entered into the Merchant Agreement with Plaintiff (Exhibit "A") and signed the Confession of Judgment.
14. The Defendants are in breach of their obligations.
15. I therefore request that the judgment be granted to Plaintiff forthwith.

Sworn to this October 4, 2018.



Gavriel Yitzchakov

NOTARY PUBLIC



BRETT P. HERMAN
NOTARY PUBLIC, STATE OF NEW YORK
NO. 02HES021850
QUALIFIED IN KINGS COUNTY
COMMISSION EXPIRES

March 3, 2022